

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No.: 07 CV 3873
(RPP)(GWG)

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FRANCISCO ORTEGA,

Plaintiff,

-against-

ANSWER

200 EAST PARKING CORP., a New York
Corporation and IMPERIAL PARKING
SYSTEMS, INC., a New York corporation,

Defendants.
-----X

Defendants, 200 East Parking Corp. and Imperial Parking Systems, Inc., by their attorneys Certilman Balin Adler & Hyman, LLP, as and for their answer to the complaint, alleges as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the complaint.
2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the complaint.
3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the complaint.
4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the complaint.
5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the complaint.
6. Deny knowledge or information sufficient to form a belief as to the truth

of the allegations contained in paragraph 6 of the complaint.

7. Admit to the allegations contained in paragraph 7 of the complaint.

8. Admit to the allegations contained in paragraph 8 of the complaint.

9. Admit to the allegations contained in paragraph 9 of the complaint.

10. Deny the truth of the allegations contained in paragraph 10 of the complaint.

11. Deny the truth of the allegations contained in paragraph 11 of the complaint.

12. Defendants repeat, reiterate and reallege each any every allegation contained in paragraphs "1" through "12" herein with the same force and effect as if more fully set forth at length in paragraph 12 of the complaint

13. Admit to the allegations contained in paragraph 13 of the complaint.

14. Admit to the allegations contained in paragraph 14 of the complaint.

15. Admit to the allegations contained in paragraph 15 of the complaint.

16. Deny the truth of the allegations contained in paragraph 16 of the complaint.

17. Deny the truth of the allegations contained in paragraph 17 of the complaint.

18. Deny the truth of the allegations contained in paragraph 18 of the complaint.

19. Deny the truth of the allegations contained in paragraph 19 of the complaint.

20. Deny the truth of the allegations contained in paragraph 20 of the

complaint.

21. Defendants repeat, reiterate and reallege each any every allegation contained in paragraphs "1" through "21" herein with the same force and effect as if more fully set forth at length in paragraph 21 of the complaint

22. Admit to the allegations contained in paragraph 22 of the complaint.

23. Deny the truth of the allegations contained in paragraph 23 of the complaint.

24. Deny the truth of the allegations contained in paragraph 24 of the complaint.

25. Deny the truth of the allegations contained in paragraph 25 of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

26. Plaintiff's claims are barred by the applicable statute of limitations.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

27. The complaint fails to state a claim upon which relief may be granted.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

28. Plaintiff's claims are barred by waiver and estoppel.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

29. To the extent that defendants' violated the law, their conduct was not willful.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

30. Plaintiff failed to exhaust administrative remedies.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

31. Plaintiff has an adequate remedy at law.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

32. This action is barred by another action pending.

WHEREFORE, defendants demand judgment dismissing the complaint, for the costs and disbursements in connection with this action, and for such other and further relief as the Court deems just and proper.

Dated: East Meadow, New York
July 12, 2007

CERTILMAN BALIN ADLER & HYMAN, LLP

By: 

DOUGLAS E. ROWE, ESQ. (DER 6261)

Attorneys for Defendant
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